

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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India Lindo,

Plaintiff,

v.

LendingUSA, LLC,

Defendant.

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Civil Action No.: \_\_\_\_\_

**COMPLAINT**

Plaintiff, India Lindo, says by way of Complaint against Defendant, LendingUSA, LLC, as follows:

**JURISDICTION**

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq. (the "TCPA").
2. Venue is proper in the U.S. District Court for the District of New Jersey pursuant to 28 U.S.C. § 1391(b), as Defendant transacts business in the State of New Jersey.

**PARTIES**

3. Plaintiff, India Lindo ("Plaintiff"), is an adult individual residing in Montclair, New Jersey, and is a "person" as defined by 47 U.S.C. § 153(39).
4. Defendant LendingUSA, LLC ("LendingUSA"), is a California business entity with an address of 15303 Ventura Boulevard, Suite 850, Sherman Oaks, California, 91403, and is a "person" as defined by 47 U.S.C. § 153(39).

**FACTS**

5. Within the last year, LendingUSA started calling Plaintiff's cellular telephone, number 862-xxx-6620, in an attempt to collect a consumer debt allegedly owed by Plaintiff.

6. At all times mentioned herein, LendingUSA contacted Plaintiff using an artificial or prerecorded voice.

7. When Plaintiff answered the calls from LendingUSA, she heard a prerecorded message instructing Plaintiff to hold for the next available representative.

8. During a live conversation in September 2020, Plaintiff demanded that all calls to her cease immediately.

9. Nonetheless, LendingUSA continued to place automated calls to Plaintiff's cellular telephone.

**COUNT I**

**VIOLATIONS OF THE TCPA – 47 U.S.C. § 227, ET SEQ.**

10. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

11. At all times mentioned herein and within the last four years, Defendant called Plaintiff on her cellular telephone using a prerecorded or artificial voice.

12. Defendant continued to place automated calls to Plaintiff's cellular telephone after being directed by Plaintiff to cease calling and knowing there was no consent to continue the calls. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

13. The telephone number called by Defendant was and is assigned to a cellular telephone serviced by Sprint for which Plaintiff incurs charges for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

14. Plaintiff was annoyed, harassed and inconvenienced by Defendant's continued calls.

15. The calls from Defendant to Plaintiff were not placed for "emergency purposes" as defined by 47 U.S.C. § 227(b)(1)(A)(i).

16. Each of the aforementioned calls made by Defendant constitutes a violation of the TCPA.

17. Plaintiff is entitled to an award of \$500.00 in statutory damages for each call placed in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

18. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant:

- A. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
- B. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C);
- C. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: June 4, 2021

Respectfully submitted,

By: /s/ Sofia Balile

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